

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

ERIC L. MILLER,

Plaintiff,

v.

CIVIL ACTION NO.: 3:14-CV-125
(GROH)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation ("R&R") [ECF No. 15] of United States Magistrate Judge Michael John Aloi, filed on November 10, 2015. In the R&R, Magistrate Judge Aloi recommends that this Court grant the Defendant's Motion for Summary Judgment [ECF No. 12] because substantial evidence supported the Administrative Law Judge's denial of the Plaintiff's application for disability insurance benefits. Magistrate Judge Aloi further recommends that the Court deny the Plaintiff's Motion for Summary Judgment [ECF No. 11]. For the following reasons, Magistrate Judge Aloi's R&R is hereby **ADOPTED** and this case is **DISMISSED WITH PREJUDICE**.

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court is required to make a *de novo* review of those portions of the R&R to which objection is made. Failure to file objections, however, permits the Court to review the R&R under the standard it finds most appropriate, and under such circumstances the parties' right to *de novo* review is waived. See Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979).

Objections to Magistrate Judge Alois R&R were due within fourteen plus three days of entry of the R&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(d). As of the date of this Order, no objections have been filed. Accordingly, the Court has reviewed the R&R for clear error.

Upon careful consideration of the record, the parties' motions and the R&R, the Court finds no clear error. It is the opinion of this Court that the Report and Recommendation [ECF No. 15] should be, and is, hereby **ORDERED ADOPTED**. The Court **ORDERS** that the Defendant's Motion for Summary Judgment [ECF No. 12] is **GRANTED** and the Plaintiff's Motion for Summary Judgment [ECF No. 11] is **DENIED**. The Court further **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and that it be retired from this Court's active docket.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is directed to enter a separate judgment order in favor of the Defendant.

The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record herein.

DATED: December 9, 2015



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE